



Ford air bag case highlights dispute over design information

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BY JUSTIN HYDE
ASSOCIATE PRESS

DETROIT -- A New York jury has ordered Ford Motor Co. to pay \$5.1 million to a New York couple for their claim that poorly designed air bag sensors led to the husband losing most of his sight.

The case highlights a lingering dispute between safety advocates and federal regulators over how much information consumers should have about the design and performance of air bag systems. The advocates say without such information, consumers could be at risk, especially from older vehicles.

"Our fundamental belief is that all air bag systems are not created equal," said Clarence Ditlow, director of the Center for Auto Safety in Washington, D.C. "Some are better, some are worse and some frankly are not very good."

The case against Ford stems from a December 1996 traffic accident in upstate New York involving Bob and Clare Hoffman. Bob Hoffman was driving his 1993 Mercury Grand Marquis in snowy weather when the car ran off the road and hit a telephone pole at about 20 miles per hour, said their attorney, Arthur Siegel. The Grand Marquis hit the pole in its front corner. Both Hoffmans were wearing seat belts; Clare Hoffman was not injured, but Bob Hoffman's face was hit by the driver's side air bag. The impact caused retinal damage and blinded Hoffman. Some vision has since returned to his right eye, but he still has no sight in his left eye.

The couple sued Ford, first claiming that the air bag was too aggressive; overpowered air bags have been cited by federal investigators as the cause of death of 158 people, mostly women and children. But Siegel changed the claims after researching the air bag sensors used in the Grand Marquis.

Siegel said when Ford redesigned the Grand Marquis and its twin, the Ford Crown Victoria, for 1991, it reduced the number of air bag sensors in the front bumper from 5 to 3, and moved them away from the corner of the vehicle to the center. He said the move was made to cut \$18 to \$25 per car.

Siegel argued that when the Hoffmans hit the pole, there was a lag between impact and the sensors registering a crash and firing the air bags -- allowing Hoffman's head to move several inches closer to the bag than it normally would be.

"The air bag went off late, so even though he's wearing a seat belt, he's going forward," Siegel said. "If there had been a sensor there, it would have caused the air bag to go off in a timely manner."

Ford only did one crash test into a pole with the new system, and then only directly in front of the vehicle, Siegel said. He also said a Ford official testified that the company had received about 13 similar complaints, but did not investigate them because no lawsuits had been filed.

A federal jury in Utica, N.Y., awarded the Hoffmans \$5.1 million on Nov. 22, and a hearing on punitive damages is scheduled for Monday.

Ford spokeswoman Susan Krusel said the company could not comment at length about the case because damages are still pending. She did say that Ford contends the design of the air bag sensors was similar to what was used on a variety of other vehicles at the time. "Compelling engineering evidence was presented that showed the system was tested and proven," Krusel said. "No one restraint system can prevent all types of injuries from an accident."

But there's little public information available to judge how well the setup Ford used in the Crown Victoria and Grand Marquis -- or the setup any automaker uses for its air bags -- protects passengers without causing injuries.

NHTSA has investigated two deaths of drivers from driver's side air bags in vehicles like the Hoffmans'. One involved a 74-year-old driver killed in a 1991 Grand Marquis even though she was wearing a seat belt; the other involved an 80-year-old man who was killed while driving without a seat belt in a 1991 Ford Crown Victoria.

In a 1999 report on air bag design, NHTSA asked nine automakers for information about changes they were making. In that report, NHTSA found that automakers had redesigned air bags during the 1990s, reducing the distance they inflate and putting more space between the driver and the air bag.

Consumer groups have petitioned NHTSA to release detailed data from its study. But NHTSA has declined to do so, saying the automakers considered such information trade secrets.

Robert C. Sanders, whose Parents for Safer Air Bags has been lobbying the government on a number of air bag issues and who sued Chrysler over his daughter's death in an air bag accident, contends NHTSA should release the data because it affects older systems built between 1988 and 1997, before new federal rules allowed depowered bags aimed at reducing injuries.

"It is a source of huge frustration," Sanders said. "This is exactly the problem -- that consumers aren't going to know anything about sensor systems or other components."

PLAINTIFF'S EXPERTS

Mr. Kenneth Brown
Restraint Systems Engineer
www.forensicsafety.com

Mr. Richard Hermance
Accredited Accident Reconstructionist
www.collisionresearchltd.com

Dr. Dennis Shanahan
Biomechanics